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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of) WT Docket No. 94-147
)
JAMES A. KAY, JR.)
)
Licensee of one hundred fifty-)
two Part 90 licenses in the)
Los Angeles, California area.)

To: The Honorable Richard L. Sippel

JAMES A. KAY JR.'S LIST OF CONTEMPLATED WITNESSES

James A. Kay, Jr. ("Kay"), by counsel, and pursuant to the Presiding Judge's Order, FCC 98M-27, released March 10, 1998, provides a list of defense and/or rebuttal witnesses that Kay contemplates may be called at the hearing in the above-captioned matter.

1. As an initial matter, Kay notes that this list is not definitive and will likely be supplemented after the Wireless Telecommunications Bureau ("Bureau"): (a) responds to pending interrogatories; (b) files a Bill of Particulars; and/or (c) otherwise presents its direct case. Kay's list of contemplated witnesses may also change if Kay is allowed to take additional deposition discovery from other witnesses employed by or otherwise related to the Bureau's witnesses. Given the Bureau's failure to specifically identify the issues in this proceeding and the Presiding Judge's corresponding failure to compel the Bureau to do so (despite Kay's efforts to obtain this information), the witnesses listed below are Kay's best estimate as to the number and identity of witnesses (other than expert witnesses) whom may be called to testify on his

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behalf.¹ Kay submits that his list of witnesses would be more defined if the Bureau was to identify, with specificity, the issues that it will pursue at hearing.

2. Subject to the statement set forth above, Kay lists the following contemplated witnesses:

3. James A. Kay, Jr. Address and nature of possible testimony known by the Bureau.

4. Marc D. Sobel Address and nature of possible testimony known by the Bureau.

5. Craig Sobel. Address and nature of possible testimony known by the Bureau.

6. Barbara Ashauer. Address and nature of possible testimony known by the Bureau.

7. John Poat. Mr. Poet, a former sales manager at Southland Communications, may be familiar with incidents involving Vincent Cordaro, Kevin Hessman, Carla Pfeifer, Roy Jensen, Frank Barnett, Cornelia Dray, and Gary Van Diest. This possible witness also may be familiar with Kay's past and/or current business practices. Mr. Poat's last known address is 519 W. Wardlow Road, Long Beach, California 90806.

8. Len Berman. Mr. Berman, a former salesmen at Southland Communications, may be familiar with incidents involving Vincent Cordaro, Kevin Hessman, Frank Barnett and Cornelia Dray. This possible witness also may be familiar with Kay's past and/or current business practices. Mr. Berman's last known address is 4606 Nagle Avenue, Sherman Oaks, California 91423.

¹ Counsel for Kay will immediately notify the Bureau if any changes are to be made to this List of Contemplated Witnesses.

9. Ken Schultz. Mr. Schultz, a technician at Southland Communications, may be familiar with incidents involving Vincent Cordaro, Kevin Hessman, and Roy Jensen. This possible witness also may be familiar with Kay's past and/or current business practices. Mr. Schultz's last known address is 17425 Stagg Street, Northridge, California 91423.

10. Randy French. Mr. French, a technician at Southland Communications, may be familiar with incidents involving Vincent Cordaro and Kevin Hessman. This possible witness also may be familiar with Kay's past and/or current business practices. Mr. French was also formerly employed by Christopher Killian. Mr. French's last known address is 27301 Camp Plenty Road, Apt. No. 61, Canyon Country, California 91351.

11. Gary Youngland. Mr. Youngland, a former salesman at Buddy Sales, may be familiar with incidents involving Carla Pfeifer and Kevin Hessman. This possible witness also may be familiar with Kay's past and/or current business practices. Mr. Youngland's last known address is 43129 N. 6th Street East, Lancaster, California 93535.

12. Dennis Springer. Mr. Springer, a former employee at Buddy Sales and Southland Communications, may be familiar with incidents involving Carla Pfeifer, Kevin Hessman and Roy Jensen. This possible witness also may be familiar with Kay's past and/or current business practices. Mr. Springer's last known address is 45315 13th Street West, Lancaster, California 93534.

13. Dennis Mealey. Mr. Mealey, an employee of Protection One, may be familiar with incidents involving Vincent Cordoro, Kevin Hessman and Roy Jensen. This possible witness also may be familiar with Kay's past and/or current business practices. Mr. Mealey's last known address is 14801 Califa Street, Van Nuys, California 91401.

14. Paul Northup. Mr. Northup is a self-employed radio technician and a former general manager at Glendale Electronics and may have knowledge about the SMRS industry in the Los Angeles area and Kay's business practices. Mr. Northup's last known address is 3932 United Street, Rosamond, California 93560.

15. Ben Sarfehnia. Mr. Sarfehnia is an owner of Metro Mobile and may have knowledge about the SMRS industry in the Los Angeles area and Kay's business practices. Mr. Sarfehnia's last known address is 20971 East Currier Road, Suite C, Walnut, California 91788.

16. Don Petrone. Mr. Petrone is an owner of Radio Communications Service and may have knowledge about the SMRS industry in the Los Angeles area and Kay's business practices. Mr. Petrone's last known address is 3960 Hunter Street, Glen Avon, California 92509.

17. Bob Conrey. Mr. Conrey is the President of Advanced Electronics and may have knowledge about the SMRS industry in the Los Angeles area and Kay's business practices. Mr. Conrey's last known address is 18220 South Broadway, Gardena, California 90248.

18. Joe Linder. Mr. Linder is employed by Advanced Electronics and may have knowledge about the SMRS industry in the Los Angeles area and Kay's business practices. Mr. Linder's last known address is 18220 South Broadway, Gardena, California 90248.

19. Richard Wayman. Mr. Wayman, an employee at Southland Communications, may be familiar with incidents involving Vincent Cordaro and Kevin Hessman and is familiar with Kay's business practices. Mr. Wayman's last known address is 500 North California Street, Burbank, California 91505.

20. Dale Buckley. Mr. Buckley may have knowledge about the SMRS industry in the Los Angeles area and Kay's business practices. Mr. Buckley's last known address is P.O. Box 70119, Riverside, California 92513-0119.

21. Kirk D. MacDowell. Mr. MacDowell is employed by Post Alarm and may be familiar with incidents involving Kevin Hessman and Roy Jensen. Mr. MacDowell may also be familiar with Kay's business practices. Mr. MacDowell's last known address is 610 North Santa Anita Avenue, Arcadia, California 91006.

22. Frank Garcia. Mr. Garcia may be familiar with incidents involving Christopher Killian. Mr. Garcia's last known address is 41758 12th Street West, Suite No. 8, Palmdale, California 93551.

23. W. Riley Hollingsworth. Mr. Hollingsworth may be familiar with, inter alia, certain alleged violations of Commission rules and regulations by Kay and his investigation thereof, as well as his communications with various Commission informants and/or witnesses. Mr. Hollingsworth's business address is c/o Federal Communications Commission, Compliance and Information Bureau, 1270 Fairfield Road, Gettysburg, Pennsylvania 17325.

24. Anne Marie Wypijewski. Ms. Wypijewski may be familiar with, inter alia, certain alleged violations of Commission rules and regulations by Kay and her investigation thereof, as well as her communications with various Commission informants and/or witnesses. Ms. Wypijewski's business address is c/o Federal Communications Commission, Wireless Telecommunications Bureau, 1270 Fairfield Road, Gettysburg, Pennsylvania 17325.

25. Terry Fishel. Mr. Fishel may be familiar with, inter alia, certain alleged violations of Commission rules and regulations by Kay and his investigation thereof, as well as his

communications with various Commission informants and/or witnesses. Mr. Fishel's business address is c/o Federal Communications Commission, Wireless Telecommunications Bureau, 1270 Fairfield Road, Gettysburg, Pennsylvania 17325.

26. Robert G. Andary. Mr. Andary, a former Inspector General at the Commission, may be familiar with, inter alia, certain alleged violations of Commission rules and regulations by Kay and his investigation thereof, as well as his communications with various Commission informants and/or witnesses. Mr. Andary's business address is c/o Government Printing Office, North Capitol and H Streets, Washington, D.C. 20041.

27. Laurence J. Feinberg. Mr. Feinberg, counsel for Kay in various California proceedings, may be familiar with incidents involving Frank Barnett, Roy Jensen, Cornelia Dray, Vincent Cordaro, and Gary Van Diest. This possible witness also may be familiar with Kay's past and/or current contracts and business practices. Kay will not waive the attorney-client privilege. Mr. Feinberg's business address is 18075 Ventura Boulevard, Encino, California 91316.

28. Clifford A. Zwarkowski, Jr. Mr. Zwarkowski is an engineer and technician at Hi-Desert Communications and may be familiar with incidents involving Christopher Killian. Mr. Zwarkowski's business address is 17650 Catalea, Unit B, Hesperia, California 92345.

29. Dennis C. Brown and Robert Schwaninger. Messrs. Brown and Schwaninger, partners at the law firm of Brown & Schwaninger, formerly were counsel to Kay in this proceeding and, without waiving the attorney-client privilege, may be called to testify about the legal validity of Kay's response to the Commission inquiry under Section 308(b) of the Communications Act of 1934, as amended; the affidavit prepared by Brown & Schwaninger and

signed by Kay in conjunction with Kay's motion to delete issues; and the management agreements between Kay and others. If Mr. Brown and/or Mr. Schwaninger are called to testify in this proceeding, they will testify on the three narrow issues identified herein without a waiver of the attorney-client privilege.

30. All persons who initiated telephone calls to, inter alia, Kay's customers at the direction of Christopher Killian as well as those persons/entities contacted by such person at Christopher Killian's direction.

31. Any individual named by the Bureau to be a potential Bureau witness that the Bureau may elect not call at the hearing. Kay reserves the right to examine any such witness in his direct rebuttal case or to cross-examine such witness.

Respectfully submitted,

JAMES A. KAY, JR.

By: 

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Dated: March 9, 1998

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing James A. Kay Jr.'s List of Contemplated Witnesses was hand-delivered on this 9th day of March, 1998 to the following:

Administrative Law Judge Richard L. Sippel
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554

John J. Schauble, Esquire
Federal Communications Commission
Wireless Telecommunications Bureau
Suite 8308
2025 M Street, N.W.
Washington, D.C. 20554

and sent via first-class mail, postage prepaid on this 9th day of March, 1998 to:

William H. Knowles-Kellett, Esquire
Wireless Telecommunications Bureau
1270 Fairfield Road
Gettysburg, Pennsylvania 17325-7245



Scott A. Fenske